

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Groz	
Application No.: 10/043,071	Art Unit: 3714
Filed: 1/8/2002	Examiner: Matthew D. Hoel
Title: Method and System for Increasing Expected Return and Maximum Payout in a Game of One or More Players	
Attorney Docket No.: MG022704USNP	

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE AFTER UNDER 37 CFR 1.111

Dear Sir:

In response to the Office Action of July 18, 2007, please consider the following remarks in light of the submitted amendments to the claims:

## REMARKS

### ***Extension of Time***

The Applicant requests all necessary extensions of time. Any late fee not otherwise paid may be charged to the Agent's USPTO deposit account 502,083.

### ***Amendments to the Claims***

Claim 42 has been amended to add additional limitations. Support is found on pages 11 to 15 of the Specification.

Claims 50 to 52 are new. Support is found on pages 11 to 15 of the Specification.

### ***Claim Rejections – 35 USC 102***

The Examiner has rejected claim 42 to 46 and 48 under 35 USC 102(e) as being anticipated by Adao e Silva (U.S. provisional application SN 60/254,053). The Applicant traverses this rejection by pointing out that current claim 42 has newly added limitations that are not found in Adao e Silva. Thus claim 42 cannot be rejected under 35 USC 102(e) as being anticipated by Adao e Silva. Claims 43 to 45 and 48 depend upon claim 42 and cannot be rejected for the same reason.

### ***Claim Rejections – 35 USC 103(a)***

The Examiner has rejected claim 46 under 35 USC 103(a) as being unpatentable over Adao e Silva. The Applicant traverses this rejection by pointing out that claim 46 depends upon current claim 42. Thus claim 46 cannot be rejected under 35 USC 103(a) as being unpatentable over Adao e Silva for the reasons stated above.

The Examiner has rejected claims 47 and 49 under 35 USC 103(a) as being obvious over Adao e Silva in view of Crapo (U.S. patent 5,987,433) and Nilssen (U.S. patent 5,083,784). The Applicant traverses this rejection by pointing out that claims 47 and 49 depends upon current claim 42. Neither Adao e Silva, Crapo or Nilssen teach or suggest all of the limitations of current claim 42. Thus claims 47 and 49 cannot be rejected under 35 USC 103(a) as being unpatentable over Adao e Silva in view of Crapo and Nilssen.

***Alleged Facts Introduced Without Evidence or Official Notice***

The Examiner made assertions of alleged facts without evidence or Official Notice. The Applicant respectfully disputes said assertions and asks that the Examiner provide evidence to support said alleged facts if the Examiner wishes to continue to assert them in future office actions. Said alleged facts are:

- “053, or the applicant’s invention would perform equally well as a state-run lottery” (Office action of 7/18/07, p 5)
- “Venture capital funds are known in the art to be higher-risk and higher-profit than other types of investments” (Office action of 7/18/07, p 5)
- Different fund types (e.g. “venture capital funds”, “emerging market funds”, “college investment funds” and “tax funds”) imply varying rates of expected return. (Office action of 7/18/07, p 5)

### CONCLUSION

In this response, the Applicant makes no admission concerning any now moot or traversed rejection or objection, and affirmatively denies any position, statement, or averment of the Examiner that was not specifically addressed herein.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mark Nowotarski, Applicant's agent at 203 975 7678 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Mark Nowotarski".

Mark Nowotarski  
Attorney/Agent for Applicant(s)  
Reg. No. 47828

Mark Nowotarski  
Patent Agent  
30 Glen Terrace  
Stamford, CT 06906-1401  
Tel. 203 975 7678